

United States Magistrate Court
DSQ-SDTX
FILED

NOV 07 2023 2B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

Nathan Ochsner, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

LUIS JESUS LOPEZ

§
§
§
§
§

CRIMINAL NO. 5:23-cr-1170-2

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through Alamdar S. Hamdani, United States Attorney for the Southern District of Texas and Leslie Ann Cortez, Assistant United States Attorney, and the defendant, **LUIS JESUS LOPEZ** and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the Defendant's guilt:

II.

On June 27, 2023, special agents (SAs) with the Bureau of Alcohol, Tobacco and Firearms (ATF), received information from the United States Border Patrol (BP) Intelligence Sector that a male subject identified as "Juan Jo" is looking to purchase firearms on behalf of the cartel in Mexico. BP stated that "Juan Jo" (Juan Jo) is working with the Cartel de Noreste (CDN).

SAs coordinated with ATF Confidential Informant (CI) to conduct a cold call to Juan Jo. A male identifying himself as "Juan Jo" answered. Juan Jo stated that "they" are asking for long guns and that the firearms will be going to Mexico. Juan Jo stated he wanted pictures and prices of the firearms. Once he sees the firearms he will let CI know which firearms he wants. Juan Jo

stated that, "the way [he] works is if you tell me that you'll get here on Wednesday, I'll be ready on Thursday." Juan Jo then requested that all future communications be handled via WhatsApp.

On June 30, 2023, ATF SAs were provided with a Facebook (FB) profile belonging to JuanJo with the name "Juanjo Gomez". The photos of JUANJO from the FB profile were submitted to the Border Patrol Intelligence Sector who utilized facial recognition technology to identify JuanJo as Defendant Juan Jose Gomez Izquierdo (GOMEZ).

On July 15, 2023, ATF SAs received information from BP Intel that GOMEZ had firearms to sell. ATF SAs gave instructions to CI to make contact with GOMEZ via a new phone number and attempt to purchase the firearms.

Between July 16, 2023 and July 31, 2023, several WhatsApp messages were exchanged between CI and Gomez regarding the sale of firearms. These conversations included prices, videos and photos of multiple firearms to include AR-type, AK-type, and apparent Glock pistols which GOMEZ stated were in his possession and available for purchase. CI told GOMEZ the firearms would be transported to Mexico.

On August 8, 2023, GOMEZ told CI-431 that he would sell a gold AR for \$2,200 USD and a black AR for \$2,000 USD. GOMEZ told CI-431 that they were both "rapidas" or full-auto firearms. GOMEZ sent a video depicting a drop-in auto-sear, or machinegun conversion device (MGCD), installed in the firearm. In another video sent later that day, details of the gold AR firearm showed that it was an Anderson Manufacturing, model AM-15, multi-caliber firearm, with serial number 21209535.

GOMEZ and CI-431 agreed to meet on August 9, 2023 so that CI-431 could purchase the two firearms from GOMEZ for \$4,000 USD.

Controlled Buy August 9, 2023

On August 9, 2023, GOMEZ told CI via WhatsApp to meet at a barber shop located at 4818 Mims Avenue in Laredo, Texas. The CI was greeted by GOMEZ. CI handed GOMEZ the \$4,000 USD and the CI received a gold Anderson Manufacturing, model AM-15, multi-caliber pistol, with serial number 21209535 that contained a metallic MGCD inside the lower receiver and a black privately manufactured AR-type pistol with no serial number. There were two other males at the location. After conversing about the firearms being fully automatic, he CI asked if everyone knew the firearms were going to Mexico, and they all replied “si” or yes.

Controlled Buy on August 24, 2023

Between August 10, 2023, and August 23, 2023, GOMEZ sent CI multiple photos of firearms via WhatsApp and told CI that GOMEZ could get them for CI. One of the photos was sent on August 22, 2023 and depicted an apparent short barrel AR-type rifle with a brown magazine inserted and a Sig Sauer optic laying on a black blanket. GOMEZ told CI that the firearm is for sale for \$2,200 USD. GOMEZ agreed to meet at Mall del Norte on August 24, 2023 to sell the firearm to CI.

On August 24, 2023, mobile surveillance followed GOMEZ and observed him travel in a Chevy Malibu to the Mall del Norte parking lot in Laredo, Texas where GOMEZ and LOPEZ met CI. GOMEZ parked the Malibu next to CI's vehicle and handed CI a backpack. The backpack contained a Palmetto State Armory, XMAS-15, multi-caliber short barrel rifle bearing serial number 2022-000840 with a brown magazine inserted and a Sig Sauer optic mounted. LOPEZ then called someone on his cell phone and asked if he could get more MGCDs, and if they could be metallic. After the phone call, LOPEZ told CI he could get approximately 20 MGCD for the CI. CI paid GOMEZ \$2,100 USD for the firearm.

ATF SAs confirmed the firearm was a Palmetto State Armory, XMAS-15, multiple caliber short barrel rifle with serial number 2022-000840 and that there was a black polymer 3D printed MGCD installed inside the lower receiver of the firearm.

Controlled buy on September 5, 2023

On September 4, 2023, GOMEZ told CI via WhatsApp that he had two firearms for sale for \$1,700 each. GOMEZ agreed to sell the firearms to CI on September 5, 2023.

On September 5, 2023, mobile surveillance observed GOMEZ travel to the parking lot on the corner of Ventura Street and South Main Avenue where he parked next to the CI's vehicle. GOMEZ stepped out of the Malibu while LOPEZ remained seated in the front passenger seat. GOMEZ told the CI the firearm was in the back seat and the CI grabbed the firearm. The firearm was a privately manufactured AR-type, .223 caliber rifle with no serial number and a magazine inserted that contained a picture of a greyed American flag. The CI paid GOMEZ \$1,700 U.S. Dollars and GOMEZ departed from the parking lot.

When the transaction with the CI was complete, GOMEZ and LOPEZ departed the parking lot together in the Malibu. LPD Officers then conducted a traffic stop on the Malibu. GOMEZ and LOPEZ were detained and transported to the ATF Laredo Field Office located at 5810 San Bernardo Ave, Laredo, TX 78041.

List of Items Seized.

<u>Firearms</u>					
<u>Item No.</u>	<u>Manufacturer</u>	<u>Model</u>	<u>Type</u>	<u>Caliber</u>	<u>Serial Number</u>
1.	Anderson Manufacturing	AM-15	Pistol	Multi-caliber	21209535
2.	Privately Manufactured Firearm (PMF)	AR	Pistol	Multi-caliber	NO SERIAL NUMBER
3.	Palmetto State Armory	X-MAS 15	Rifle	Multi-caliber	2022-000840

4.	Privately Manufactured Firearm (PMF)	AR	Rifle	.223 caliber	NO SERIAL NUMBER
----	--	----	-------	--------------	---------------------

After rights advisement and waiver, GOMEZ stated that he was unlawfully present in the United States and that he knew he is prohibited from possessing firearms. GOMEZ stated he became the middleman for the cartel so he could pay off a debt and described making approximately \$100 for each firearm sold. GOMEZ claimed to have only conducted approximately three (3) firearm transactions between suppliers and customers. GOMEZ advised all transactions had been with the same customer but a different supplier. GOMEZ stated the customer informed him that the guns were going to be transported to Mexico and explained they would be crossed over through the Columbian Bridge port of entry. GOMEZ advised the first transaction was two (2) firearms between the customer and “some young guy” at a barber shop near H.E.B. on Carlton Road in Laredo. GOMEZ described the firearms as one black rifle and one gold rifle, both fully automatic machine guns. GOMEZ stated the second transaction, he delivered one (1) to the same customer at a mall in Laredo. GOMEZ described the firearm as a black fully automatic rifle. GOMEZ described the third transaction, he delivered one (1) firearm to the same customer near the Outlet Mall in Laredo. GOMEZ described the firearm as a black semi-automatic rifle. GOMEZ claimed that LOPEZ is supposed to pick up approximately 10-15 firearms from San Antonio, Texas in a few days, utilizing a tractor-trailer. GOMEZ admitted to knowing that three of the four firearms sold were machine guns.

After rights advisement and waiver, LOPEZ stated that he is a previously convicted felon and that he knew he is prohibited from possessing firearms. LOPEZ stated that GOMEZ paid him \$400 or \$500 US dollars to give the CI the backpack with the firearm while at the mall parking lot.

Interstate Nexus Determination

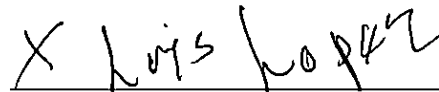
ATF SAs determined two firearms recovered, namely:

Firearms					
<u>Item No.</u>	<u>Manufacturer</u>	<u>Model</u>	<u>Type</u>	<u>Caliber</u>	<u>Serial Number</u>
1.	Anderson Manufacturing	AM-15	Pistol	Multi-caliber	21209535
2.	Palmetto State Armory	X-MAS 15	Rifle	Multi-caliber	2022-000840

are firearms as defined in 18 U.S.C. § 921(a)(3) and both traveled in/affected interstate or foreign commerce by having been manufactured outside the state of Texas.

III.

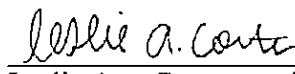
Defendant, **LUIS JESUS LOPEZ**, hereby confesses and judicially admits that from on or about June 27, 2023, through on or about September 5, 2023, he did knowingly conspire to receive from another person firearms in or otherwise affecting interstate and foreign commerce, knowing and having reasonable cause to believe that such receipt would constitute a felony, in violation of Title 18, United States Code, Sections 933(a)(2), (a)(3), and (b).

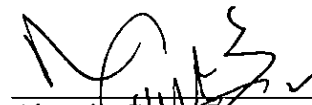


LUIS JESUS LOPEZ
Defendant

APPROVED:

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY

By: 
Leslie Ann Cortez
Assistant United States Attorney
Southern District of Texas
Telephone: (956) 723-6523
Email: Leslie.Cortez@usdoj.gov


Abundio Rios Cantu
Attorney for Defendant